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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,170	01/24/2005	Karl Skjonnemand	MERCK-2965	3628
23599	7590 12/04/2006	•	EXAM	INER
	VHITE, ZELANO & B	CHUNG, DAVID Y		
2200 CLARENDON BLVD. SUITE 1400			ART UNIT	PAPER NUMBER
ARLINGTON, VA 22201			2871	
			DATE MAILED: 12/04/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provised of the provised by the provised b			Application No.	Applicant(s)				
David Y. Chung  2871	Office Action Summary		10/522,170	SKJONNEMAND ET AL.				
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CPR 1.73(6). In en event, however, may a reply be timely filed after SX (6) MONTHS from the mailing date of this communication.  **FIX period for reply is specified above, the mailinus relations period will apply and will reply es SX (6) MONTHS from the mailing date of this communication.  **FIX period for reply is specified above, the mailinus relations period will apply and will reply es SX (6) MONTHS from the mailing date of this communication.  **FIX period for reply is specified above, the mailinus relations period will apply and will reply es SX (6) SX (3) SX		The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
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2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date	Attachmen	t(s)	•					
	1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413)							
3) Information Disclosure Statement(s) (PTO/SB/08)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application 6) Other:								

## **DETAILED ACTION**

## Election/Restrictions

This application contains claims directed to the following patentably distinct species:

- I. Claims 1, 4, 5 and 8-11, drawn to a negative birefringent retardation film comprising polymerized liquid crystal material, wherein the helical pitch is 55 nm to 100 nm
- II. Claims 6, 7 and 12-15, drawn to a combination comprising a negative birefringent retardation film comprising polymerized liquid crystal material, wherein the helical pitch is less than 200 nm, and a linear polarizer
- III. Claims 16-22, drawn to a liquid crystal display comprising a negative birefringent retardation film comprising polymerized liquid crystal material having a retardation of less than 200 nm

The species are independent or distinct because the inventions as claimed have a materially different design and mode of operation. See MPEP § 806.05(j). Furthermore the inventions as claimed do not encompass overlapping subject matter and there is nothing of record to show them to be obvious variants.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim appears generic.

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Art Unit: 2871

Applicant is advised that a reply to this requirement must include an identification

of the species that is elected consonant with this requirement, and a listing of all claims

readable thereon, including any claims subsequently added. An argument that a claim

is allowable or that all claims are generic is considered nonresponsive unless

accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration

of claims to additional species which depend from or otherwise require all the limitations

of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after

the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to David Y. Chung whose telephone number is (571) 272-

2288. The examiner can normally be reached Monday thru Friday from 8:30 am to 5:00

pm. If successive attempts to contact the examiner are unsuccessful, the examiner's

supervisor David C. Nelms can be reached at (571) 272-1787.

David Neillis

Supervisory Patent Examiner

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